

PATENT  
SYRTECH-5002-C9

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Peter R. David

Serial No.: 10/060,922

Filed: January 29, 2002

For: MICROVOLUME DEVICE  
EMPLOYING FLUID MOVEMENT  
BY CENTRIFUGAL FORCE

Group Art Unit: 1765

Examiner: Robert M. Kunemund

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## PETITION FOR WITHDRAWAL OF TERMINAL DISCLAIMER (37 CFR § 1.182)

Sir:

Pursuant to 37 CFR § 1.182, Applicant respectfully petitions that the Terminal Disclaimer submitted on October 1, 2003 to the U.S. Patent and Trademark Office for the above-referenced application be withdrawn and that the enclosed replacement Terminal Disclaimer be entered.

The Terminal Disclaimer submitted on October 1, 2003 was clearly in error as it does not specify a disclaimer relating to the above referenced application. By contrast, the Examiner will note that the enclosed Terminal Disclaimer does involve the above-referenced application.

Since this Petition is being submitted prior to this application issuing as a patent, the public has not had the opportunity to rely on the erroneous Terminal Disclaimer. Therefore, Applicant respectfully requests that this Petition be granted.

The Commissioner is authorized to charge Deposit Account No. 50-2256 the sum of \$130.00 for the petition fee (37 CFR § 1.17(h)) and the sum of \$55.00 for a small entity for the terminal disclaimer fee (37 CFR § 1.20(d)). The Commissioner is also

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authorized to charge Deposit Account No. 50-2256 for any additional fees that may be required by the filing of these papers.

Respectfully submitted,

SYRRX, INC.

Dated: October 17, 2003

By: \_\_\_\_\_

*David J. Weitz*

David J. Weitz  
Reg. No. 38,362  
General Counsel, V.P. of Intellectual  
Property and Secretary

Customer No. 32793  
Syrx, Inc.  
10410 Science Center Drive  
San Diego, CA 92121  
Tel: (858) 622-8528  
Fax: (858) 550-0992

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Peter R. David	)	<u>PATENT APPLICATION</u>
Serial No.:	10/060,922	)	Group: 1765
Filed:	January 29, 2002	)	Examiner: Robert M. Kunemund
Title:	MICROVOLUME DEVICE EMPLOYING FLUID MOVEMENT BY CENTRIFUGAL FORCE	)	

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING REJECTION  
OVER PENDING SECOND APPLICATIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

PETITIONS OFFICE

Syrrx, Inc., the owner of 100% interest in the following pending Application Nos. 10/060,418, 10/060,859, 10/060,922, 10/060,963, 10/061,079, and 10/061,080, filed on January 29, 2002 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on any such application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on any such other application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submission on behalf of any organization (e.g., corporation, partnership, university, government agent, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Pursuant to 37 C.F.R. § 3.73(b), the undersigned ASSIGNEE hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE, SYRRX, INC.

2. ☐ The undersigned is an attorney of record.
- ☒ Charge Deposit Account 50-2256 the sum of \$55.00 for a small entity for the terminal disclaimer fee.

Respectfully submitted,  
SYRRX, INC.

Date: October 17, 2003

By: 

David J. Weitz, Reg. No. 38,362  
General Counsel and V.P. of Intellectual Property

Customer No. 32793  
10410 Science Center Drive  
San Diego, CA 92121  
Tel: (858) 622-8528  
Fax: (858) 550-0992